

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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April 26, 2004

The Honorable André Bauer
President of the Senate
State House, 1st Floor, East Wing
Columbia, South Carolina 29202

Mr. President and Members of the Senate:

I am hereby returning without my approval S. 827, R-231, an Act:

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-1-80 SO AS TO REQUIRE AN INDIVIDUAL WHO HOLDS HIMSELF OUT AS A CERTIFIED INDUSTRIAL HYGIENIST OR A CERTIFIED SAFETY PROFESSIONAL TO BE CERTIFIED BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR THE BOARD OF CERTIFIED SAFETY PROFESSIONALS, RESPECTIVELY, AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS.

I applaud the American Board of Industrial Hygiene and the Board of Certified Safety Professionals for their efforts to promote workplace safety and to encourage qualified workplace safety professionals. However, I must respectfully veto this legislation based on the administration's belief that unless there is widespread harm the state's power to criminalize conduct need not be invoked in instances where private associations and the market place can provide sufficient oversight when combined with the judicial system and civil remedies for harm incurred by misrepresentation.

Senate Bill 827, R-231 provides for criminal penalties if a person holds himself out, verbally or in writing, as a certified industrial hygienist or a certified safety professional. While I understand and appreciate that these certified professionals must undergo an intensive examination and certification process worthy of a certified status, I believe voluntary associations, professional boards and the marketplace can be used to highlight these qualifications and the difference they can make in protecting the public - as well as promoting the value of using a certified professional and in policing unqualified professionals.

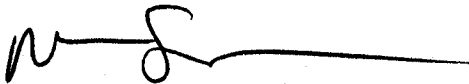
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This policy is grounded in my fundamental belief in the need to limit government relative to the rest of society because this relationship in the long run determines how a society is ordered. Ultimately, there are two fundamental ways to order society; voluntarily, through private interaction of individuals, associations, religious organizations, businesses etc – what some term civil society – or coercively, through the power of the state – government or what some call “political society.” The power of South Carolina’s government could be brought to bare in solving this issue, but I would like to see further efforts at the association level to remedy this issue first. Even George Washington recognized this dilemma when he wrote, “Government is not reason, it is not eloquence -- it is force. Like fire, it is a dangerous servant and a fearsome master.”

My position on this issue has been consistent. In our Executive Budget we proposed to eliminate state oversight of professional geologists and foresters because we believed their voluntary associations and professional boards could provide adequate oversight to ensure public protection. I believe that we should follow a similar approach by relying on professional organizations to provide sufficient qualifications for industrial hygienists and safety professionals and necessary safeguards for the public.

For these reasons, I am returning S. 827, R-231 to you without my signature.

Sincerely,

A handwritten signature in black ink, appearing to be 'MS' followed by a long horizontal line.

Mark Sanford
Governor